

REMARKS

Claims 9-17, 19-24 and 26-37 are currently pending. Claims 9, 12, 15, 19-21, 24, 26, 29-31 and 34-37 stand rejected, and claims 10-11, 13-14, 16-17, 22-23, 27-28 and 32-33 are objected to in the above referenced action. Claims 10, 12, 15, 22, 26, 30 and 35 are cancelled, claims 9, 11, 13, 16, 21, 24-24, 27, 31-34 are amended, and claims 38-39 are added herein. Support for the present claim amendments can be found throughout the specification and claims as originally filed. For example, support for amended claims 9 and 21 can be found in cancelled claims 10 and 22, respectively. The remainder of the amended claims are merely amended to update dependencies in light of the present claim cancellations and to ensure proper antecedent support. Support for new claims 38 and 39 can be found, for example, at page 3, lines 35-37; page 10, lines 15-17, 24-25; page 12, lines 13-18; and Example 5.

Claim Objections

The Applicants acknowledge, with appreciation, the Office's indication that claims 10-11, 13-14, 16-17, 22-23, 27-28 and 32-33 would be allowable if re-written or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. *See* Paper No. 11, page 3. As none of these claims are directly rejected in the present action, the Applicants assume that the present objection to these claims is based on the fact that they depend directly or indirectly from rejected claims. As such, the Applicants have re-written claims 9 and 21 to incorporate the limitations of claims 10 and 22.

Rejections Under 35 U.S.C. § 102(b)

Claims 9, 12, 15, 19-21, 24, 26, 29, 31, 34, 36 and 37 stand rejected under 35 U.S.C. § 102(b) as purportedly anticipated by U.S. Patent No. 5,410,016 (Hubbell *et al.*). As the limitations of claims 10 and 22 (which stand free of the cited art) are incorporated into claims 9 and 21, respectively, the present rejection is rendered moot as it applies to claims 9, 12, 15, 19-21, 24, 26, 29, 31, 34, 36 and 37. Withdrawal of this rejection as it applies to these claims is respectfully requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 30 and 35 stand rejected under 35 U.S.C. § 112, second paragraph as purportedly indefinite. As claims 30 and 35 are cancelled herein this rejection is rendered moot. Withdrawal is respectfully requested.

Double Patenting Rejections

The Office has made an obviousness-type double patenting rejection of claims 9, 12, 15, 19-21, 24, 26, 29, 31, 34, 36 and 37 over claims 1-19 of U.S. Patent No. 6,497,903. Respectfully, the Applicants assert that a terminal disclaimer under 37 C.F.R. § 1.321(c) will be provided upon the indication of allowable subject matter. Accordingly, as this rejection relates to form not necessary for further consideration of the present claims, applicants respectfully request that the Office hold this requirement in abeyance until allowable subject matter in this application is indicated. See 37 C.F.R. § 1.111(b).


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 313632000501. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully Submitted,

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